



A G E N D A

**CITY COMMISSION MEETING
LAUDERHILL, FLORIDA
7:30 P.M.**

SEPTEMBER 13, 2004

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS CONDUCTED AT SUCH MEETING, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH ANY APPEAL MAY BE BASED.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

1. RESOLUTION NO. 04R-09-165: A RESOLUTION ADOPTING THE TENTATIVE PROPERTY TAX LEVY FOR THE CITY OF LAUDERHILL AT THE PROPOSED MILLAGE RATE OF \$6.02 PER ONE THOUSAND DOLLARS (\$1,000) ASSESSMENT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR AN EFFECTIVE DATE.

2. RESOLUTION NO. 04R-09-166: A RESOLUTION ADOPTING THE TENTATIVE APPROPRIATIONS OF THE FISCAL YEAR COMMENCING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005, BASED ON THE BUDGET ESTIMATE OF EXPENDITURES AND REVENUES THAT EQUAL \$72,349,709.00; APPROVING THE TENTATIVE OPERATING BUDGET FOR THE CITY OF LAUDERHILL FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005; PROVIDING FOR AN EFFECTIVE DATE.

3. ORDINANCE NO. 04O-09-203: AN ORDINANCE SETTING AND ADOPTING THE 2004-2005 PROPERTY TAX LEVY FOR THE CITY OF LAUDERHILL AT THE MILLAGE RATE OF \$6.02 PER ONE THOUSAND DOLLARS (\$1,000); PROVIDING FOR AN EFFECTIVE DATE.
4. ORDINANCE NO. 04O-09-204: AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005, BASED ON THE BUDGET ESTIMATE OF EXPENDITURES AND REVENUES THAT EQUAL \$72,349,709.00; ADOPTING THE OPERATING BUDGET FOR THE CITY OF LAUDERHILL FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005; PROVIDING FOR AN EFFECTIVE DATE.

IV. MOTION TO APPROVE CONSENT AGENDA

V. APPROVAL OF MINUTES:

VI. PROCLAMATIONS:

NONE

VII. PRESENTATIONS:

- A. PRESENTATION BY POLICE CHIEF KENNETH PACHNEK TO INTRODUCE THE NEW LAW ENFORCEMENT OFFICER GRADUATES OF THE POLICE ACADEMY.
- B. PRESENTATION BY ASSISTANT CITY MANAGER, DESORAE GILES SMITH FOR THE GREAT NEIGHBORHOODS BOND CAMPAIGN.

ORDINANCES & PUBLIC HEARINGS ----- FIRST READING: (AS ADVERTISED IN THE SUN-SENTINEL)

5. ORDINANCE NO. 04O-09-205 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS AND STRUCTURES, SECTION 5.18., FENCES, WALLS AND HEDGES; AMENDING SUBSECTION 5.18.6. TO ALLOW AN EIGHT FEET HIGH FENCE IN A RESIDENTIAL DEVELOPMENT IF SPECIFIED CONDITIONS ARE MET; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

6. ORDINANCE NO. 04O-09-206: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS AND STRUCTURES, SECTION 5.40., SWIMMING POOLS: COMMERCIAL AND PRIVATE; AMENDING SUBSECTION 5.40.5., SETBACKS – ACCESSORY USE, TO ALLOW AN EXISTING SWIMMING POOL AND DECK THAT ENCROACHES INTO THE FIVE FOOT REAR SETBACK TO BE ALTERED THROUGH THE ADDITION OF A POOL SCREEN ENCLOSURE IF THE REAR PROPERTY LINE ABUTS A CANAL OR LAKE RIGHT-OF-WAY OR EASEMENT; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

7. ORDINANCE NO. 04O-09-207: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 6.0., SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 6.5., OFF-STREET PARKING STANDARDS AND REQUIREMENTS, SUBSECTION 6.5.10., PARKING CREDITS; ADDING PARAGRAPH D., BUS TRANSFER FACILITY CREDITS AND PROVIDING A 520 PARKING SPACE CREDIT FOR SUCH FACILITY; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

8. ORDINANCE NO. 04O-09-208: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS ARTICLE IV., DEVELOPMENT REVIEW REQUIREMENTS, PART 1.0., GENERAL APPLICATION FILING, REVIEW AND FINAL DETERMINATION; CREATING SECTION 1.8., REVOCATION, SUSPENSION OR MODIFICATION OF DEVELOPMENT ORDER OR PERMIT; CREATING SUBSECTIONS 1.8.1.-1.8.3; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

9. ORDINANCE NO. 04O-09-209: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS ARTICLE IV., DEVELOPMENT REVIEW REQUIREMENTS, PART 4.0., SPECIAL EXCEPTION USES; CREATING SECTION 4.11., POST-APPROVAL REVIEW OF SPECIAL EXCEPTION USE DEVELOPMENT ORDER AND CONDITIONS; PROVIDING INTENT; PROVIDING FOR PERIODIC REVIEW AND COMPLAINT DRIVEN REVIEW; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

10. ORDINANCE NO. 04O-09-210: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III, ZONING DISTRICTS, PART 6.0., SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 6.8., TREE PRESERVATION AND ABUSE STANDARDS AND REQUIREMENT, AMENDING APPENDIX 1; AMENDING THE TABLE TITLED "CATEGORY 1, TREES RECOMMENDED FOR CANOPY REPLACEMENT, 12-FOOT MINIMUM HEIGHT, 2.0 INCH CALIPER" TO 2.5 INCH CALIPER AND REPLACING LATIN NAME TO BOTANICAL NAME; AMENDING THE TABLE TITLED "CATEGORY 2 TREES 8-FOOT MINIMUM HEIGHT" TO TREES 10-FOOT MINIMUM HEIGHT, 2.0 INCH MINIMUM CALIPER AND REPLACING LATIN NAME WITH BOTANICAL NAME; AMENDING THE TABLE TITLED "CATEGORY 3, TREES 6 FOOT MINIMUM HEIGHT FOR TREES, 6-FOOT CLEAR TRUNK FOR PALMS" TO TREES 10-FOOT MINIMUM HEIGHT, 8-FOOT CLEAR TRUNK FOR PALMS, AMENDING LATIN NAME TO BOTANICAL NAME; REMOVING SOME TREES AND PALMS FROM THE TABLES; AMENDING CATEGORY 4 BY REPLACING LATIN NAME WITH BOTANICAL NAME AND ADDING AND REMOVING PALMS; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

11. ORDINANCE NO. 04O-09-211: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE J, LANDSCAPE INSTALLATION, IRRIGATION AND MAINTENANCE STANDARDS AND REQUIREMENTS; AMENDING PART 1.0., GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS; AMENDING VARIOUS SUBSECTIONS WITH MINOR AMENDMENTS; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

12. ORDINANCE NO. 040-09-212: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE I, SIGN REQUIREMENTS, SECTION 8.0., SPECIFIC SIGN REQUIREMENTS, SUBSECTION (b), PERMANENT PERMITS, CREATING SUBPARAGRAPH (11) TO PROVIDE SIGN PROVISIONS FOR THE OPEN SPACE (PO), LOCAL PARKS (PL), AND REGIONAL PARK (PR) ZONING DISTRICTS; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

13. ORDINANCE NO. 040-09-213: AN ORDINANCE OF THE CITY OF LAUDERHILL ACCEPTING THE DEDICATION FROM DAVIS FINANCIAL CORPORATION OF ALL REMAINING RIGHTS, TITLE AND INTEREST IN THE RIGHT OF WAYS FOR N.W. 45th STREET AND N.W. 44th COURT, DESCRIBED AS CITY OF LAUDERHILL, SECTION 1, TRACT B LESS LOTS 1 THROUGH 20, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS "THE VINEYARDS"; PROVIDING THAT TITLE TO SAID PROPERTY IS TRANSFERRED TO THE CITY OF LAUDERHILL FOR THE PERPETUAL USE OF THE PUBLIC; PROVIDING FOR AN EFFECTIVE DATE.

COMMUNICATIONS FROM THE MAYOR AND OTHER PUBLIC OFFICIALS 9:00 P.M. OR IMMEDIATELY BEFORE ADJOURNMENT, WHICHEVER SHALL FIRST OCCUR:

ORDINANCES & PUBLIC HEARINGS --- SECOND READING: (AS ADVERTISED IN THE SUN-SENTINEL)

14. ORDINANCE NO. 040-08-161: AN ORDINANCE OF THE CITY OF LAUDERHILL DONATING FEE SIMPLE INTEREST IN THE APPROXIMATE 6,618 SQUARE FEET LIMITED ACCESS RIGHT-OF-WAY PARCEL OF LAND, PARCEL NUMBER 103, FLORIDA PROPERTY I.D. NUMBER 4060941, LYING IN SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST, AS MORE SPECIFICALLY DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, TO THE STATE OF FLORIDA FOR THE USE AND BENEFIT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION, TURNPIKE ENTERPRISE; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

15. ORDINANCE NO. 04O-08-162: .AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; CREATING ARTICLE II, PUBLIC ART PROGRAM; ESTABLISHING A PUBLIC ART PROGRAM; ESTABLISHING DEFINITIONS; ESTABLISHING A PUBLIC ART FEE AND PUBLIC ART FUND; IDENTIFYING PROJECTS SUBJECT TO THE PUBLIC ART FEE; ESTABLISHING A PUBLIC ART COMMITTEE; ESTABLISHING CRITERIA FOR SELECTION OF ARTIST AND ART; PROVIDING FOR CITY OWNERSHIP OF ARTWORK; PROVIDING PUBLIC ART PROGRAM GUIDELINES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR M. MARGARET BATES).

16. ORDINANCE NO. 04O-08-163: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL, CHAPTER 15, ARTICLE III, RECREATION FACILITIES FEES, SECTION 15-35, FEES, RULES AND REGULATIONS FOR REGISTRATION, USE AND RENTAL; MODIFYING REGISTRATION FEES FOR SWIM LESSONS AND POOL ADMISSIONS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

17. ORDINANCE NO. 04O-08-164: AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LICENSES AND BUSINESS REGULATIONS, CREATING ARTICLE XI, AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES; PROVIDING A DEFINITION; PROVIDING FOR INTENT; IDENTIFYING WHERE AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES ARE REQUIRED; PROVIDING FOR INSTALLATION AND OPERATION; PROVIDING FOR PERMIT FEES AND INSPECTIONS; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY DEPUTY VICE MAYOR HOWARD BERGER).

ORDINANCES & PUBLIC HEARINGS --- THIRD READING: (AS ADVERTISED IN THE SUN-SENTINEL)

18. ORDINANCE NO. 04O-07-152: AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, ARTICLE II, OFFICERS AND EMPLOYEES, DIVISION 3, RETIREMENT, PART 1, FIREFIGHTERS PENSION FUND; AMENDING SECTION 2-41, DEFINITIONS, TO MODIFY THE DEFINITION OF AVERAGE MONTHLY EARNINGS; AMENDING SECTION 2-43(c)(1) AND SECTION 2-54(2)-(4) TO COMPLY WITH RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

RESOLUTIONS:

COMMISSION

19. RESOLUTION NO. 04R-09-205: A RESOLUTION APPOINTING _____ TO THE CITY OF LAUDERHILL GENERAL EMPLOYEES PENSION BOARD BY THE CITY COMMISSION TO FILL THE UNEXPIRED TERM OF GLENN JAMES KIRKE FOR THE TERM ENDING JUNE 2006; PROVIDING FOR AN EFFECTIVE DATE.

20. RESOLUTION NO. 04R-09-206: A RESOLUTION APPOINTING _____ TO THE CITY OF LAUDERHILL ART, CULTURAL AND TOURISM BOARD BY DEPUTY VICE MAYOR HOWARD BERGER TO FILL THE UNEXPIRED TERM OF OLGA PADILLA FOR THE TERM ENDING MARCH 2008; PROVIDING FOR AN EFFECTIVE DATE.

21. RESOLUTION NO. 04R-09-207: A RESOLUTION NOMINATING MAYOR RICHARD J. KAPLAN AS VOTING DELEGATE AND VICE MAYOR M. MARGARET BATES AS ALTERNATE VOTING DELEGATE FOR THE NATIONAL LEAGUE OF CITIES' ANNUAL BUSINESS MEETING AT THE CONGRESS OF CITIES IN INDIANAPOLIS, INDIANA ON DECEMBER 4, 2004; PROVIDING FOR AN EFFECTIVE DATE.

22. RESOLUTION NO. 04R-09-208: AN RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, ADOPTING A COLOR PAINT PALETTE CONSISTENT WITH THE REQUIREMENTS OF LAND DEVELOPMENT REGULATIONS ARTICLE III., ZONING DISTRICTS, PART 6.0., SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 6.11., PAINT STANDARDS AND REQUIREMENTS, PARAGRAPH 6.11.3.B.; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY THE CITY MANAGER, CHARLES FARANDA).

FIRE DEPARTMENT

23. RESOLUTION NO. 04R-08-180: A RESOLUTION OF THE CITY OF LAUDERHILL, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAUDERHILL, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAUDERHILL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

PARKS & LEISURE SERVICES

24. RESOLUTION NO. 04R-09-209: A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND SHANNON SMITH-NORMAN TO PROVIDE SWIMMING LESSONS AT VETERAN'S PARK POOL OR WOLK PARK POOL; PROVIDING FOR AN EFFECTIVE DATE.
25. RESOLUTION NO. 04R-09-210: A RESOLUTION APPROVING THE COMBINATION OF THE TRINIDAD AND TOBAGO DAY EVENT AND THE KIDDIE CARNIVAL PARADE; PROVIDING FOR THE COMBINED EVENTS TO TAKE PLACE ON SUNDAY, OCTOBER 3, 2004 FROM 1:00 P.M. TO 10:00 P.M.; PROVIDING FOR NECESSARY ROAD CLOSURES ON U.S. 441/ST. RD. 7 BETWEEN N.W. 12th STREET AND N.W. 19th STREET FROM 1:00 P.M. TO 4:00 P.M.; PROVIDING FOR THE KIDDIE CARNIVAL PARADE TO BEGIN AT 2:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE.

QUASI-JUDICIAL MATTERS:

QUASI-JUDICIAL MATTERS, FIRST READING

NONE.

QUASI-JUDICIAL MATTERS, SECOND READING

NONE

UNFINISHED BUSINESS:

NONE

OLD BUSINESS:

26. DISCUSSION OF FLORIDA POWER AND LIGHT LINES IN CITY OF LAUDERHILL (REQUESTED BY MAYOR KAPLAN).

NEW BUSINESS:

27. DISCUSSION OF FUTURE WATER AVAILABILITY IN THE CITY OF LAUDERHILL.
28. RESCHEDULE OCTOBER 11, 2004 COMMISSION MEETING DUE TO COLUMBUS DAY HOLIDAY.

ADJOURNMENT: